

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH L. KIRKLAND,

Defendant.

Case No. 07-CR-30137-MJR

**ORDER**

**REAGAN, District Judge:**

Defendant Kenneth Kirkland has moved that the Court order the deferral of payment of his fines and special assessment because of his inability to pay (Docs. 102, 103). The Court cannot grant these motions because defendants cannot make motions like that.

The statute which authorizes deferral of the payment of fines and assessments only allows the United States to move for a deferral, not the defendant. *See* 18 U.S.C. § 3573 (2006) (noting that the Court may defer payment or remit payment of the assessment or fines in the interest of justice “[u]pon petition of the Government showing that reasonable efforts to collect a fine or assessment are not likely to be effective”). The statute used to allow for the defendant to move, *see* 18 U.S.C. § 3573 (Supp. II 1984) (amended 1987), but Congress completely changed that section to read like the current version, only allowing the United States to move. *See* Criminal Fine Improvements Act of 1987, Pub. L. No. 100-185, § 8(a), 101 Stat. 1279, 1282, (amending 18 U.S.C. § 3573). As the Seventh Circuit has noted, “in the absence of some sort of savings clause, we do not see how the provisions of former section 3573 could survive their repeal.” *United States v. Linker*, 920 F.2d 1, 2 (7th Cir. 1990).

Like the defendant in *Linker*, who “has no right to request a remission” from the Court, *id.*, Kirkland has no right to request a deferral from the Court. The Court **DENIES** Kirkland’s motions (Docs. 102, 103).

**IT IS SO ORDERED.**

**DATED June 7, 2010.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
United States District Judge